

SIXTY-NINTH DAY

THURSDAY, MAY 8, 1997

PROCEEDINGS

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Samuel D. Zumwalt, Saint Martin's Evangelical Lutheran Church, Austin, offered the invocation as follows:

Blessed are You, O Lord our God, king of the universe, for in Your goodness You care for all creation whether humankind blesses, curses, or ignores You.

We ask this day that You would bless the labors of all Your fragile creatures. We remember especially before You the labors of the Senate and the House, of the Governor and Lieutenant Governor, of the judiciary, and of all their staff both salaried and hourly. We pray for those who lobby and those who report the news. We remember before You those most prominent and those most easily overlooked.

Shape our ambitions, O God, and guide our passions. Deflate our egos, and grant us grace to laugh at our foolishness. Remove from us that bigotry which demonizes our opponents. And whether we bow the knee to You or not, O Lord, humble us that we would care for the well-being of this state and all within its bounds.

Finally, we ask, O Lord our God, that You would so teach us to number our days that we may apply our hearts unto wisdom. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 7, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS HISTORICAL COMMISSION for
a term to expire February 1, 2003:

LINDA A. VALDEZ

115 Greenwich

San Antonio, Texas 78209

Ms. Valdez will be replacing Ms. Willie Lee Gay of Houston whose term expired.

Respectfully submitted,
/s/George W. Bush
Governor of Texas

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 249, SB 251, SB 263, SB 290, SB 655, SB 667, SB 753, SB 1697,
SB 1712, SB 1879, SB 1913, SCR 24, SCR 32**

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Ramon A. Garcia of Del Rio, was introduced to the Senate by Senator Madla.

The Senate expressed appreciation and gratitude to Dr. Garcia for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

PERMISSION TO INTRODUCE BILL

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bill: **SB 1950**

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 1950 by Ellis

Relating to the designation of a portion of a state highway.
To Committee on Administration.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 89 to Committee on Criminal Justice.
HB 561 to Committee on Health and Human Services.
HB 671 to Committee on Economic Development.
HB 767 to Committee on Finance.
HB 812 to Committee on Economic Development.
HB 864 to Committee on Economic Development.
HB 891 to Committee on Jurisprudence.
HB 966 to Committee on Natural Resources.
HB 1028 to Committee on Intergovernmental Relations.
HB 1070 to Committee on Criminal Justice.
HB 1166 to Committee on Intergovernmental Relations.
HB 1336 to Committee on Jurisprudence.
HB 1418 to Committee on State Affairs.
HB 1427 to Committee on Criminal Justice.
HB 1466 to Committee on Criminal Justice.
HB 1476 to Committee on Economic Development.
HB 1528 to Committee on Economic Development.
HB 1637 to Committee on Health and Human Services.
HB 1664 to Committee on Criminal Justice.
HB 1751 to Committee on Jurisprudence.
HB 1784 to Committee on Health and Human Services.
HB 1937 to Committee on State Affairs.
HB 2062 to Committee on Economic Development.
HB 2491 to Committee on Education.
HB 2606 to Committee on State Affairs.
HB 2673 to Committee on Health and Human Services.
HB 2749 to Committee on Criminal Justice.
HB 2799 to Committee on Finance.
HB 2846 to Committee on Health and Human Services.
HB 2900 to Committee on Intergovernmental Relations.
HB 3380 to Committee on International Relations, Trade, and Technology.
HB 3530 to Committee on State Affairs.

(Senator Madla in Chair)

SENATE RESOLUTION 487

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the citizens of Plano and joins with them in designating May 8, 1997, as Plano Gray Ribbon Campaign Day; and

WHEREAS, The silver/gray ribbon has become the international symbol of members of the diabetic community and represents their demand for a cure for their disease; on Gray Ribbon Campaign Day, the ribbon is worn to make

the public more aware of the disease and of the large number of people it strikes; and

WHEREAS, Diabetes is a chronic, life-threatening illness and is the nation's fourth leading cause of death by disease; diabetes kills more than 160,000 Americans each year and is a major cause of heart disease, stroke, amputations, blindness, and kidney disease; there are approximately 16 million diabetics in the United States today; and

WHEREAS, The diabetic community hopes that additional federal funding will be available for research on a cure for diabetes and that approval of a noninvasive blood glucose testing device by the Food and Drug Administration be expedited; and

WHEREAS, Plano Gray Ribbon Campaign Day is an opportunity for citizens to learn more about diabetes, both Type I and Type II, and will hopefully enlighten the public about the problems faced by diabetics and their need for national and global support; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the citizens of Plano for the support they offer to diabetics and their causes and extend best wishes for a highly successful Plano Gray Ribbon Campaign Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Plano as an expression of esteem from the Texas Senate.

SHAPIRO
CARONA

The resolution was read.

On motion of Senator Luna and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Shapiro, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Benjamin Brenners, accompanied by his father Ron, of Plano who is representing Plano Gray Ribbon Campaign Day.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 233

The Presiding Officer laid before the Senate the following resolution:

HCR 233, Designating May 4-10, 1997, as Texas Community Action Week.

BARRIENTOS

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1185**

Senator Armbrister submitted the following Conference Committee Report:

Austin, Texas
April 30, 1997

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1185** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ARMBRISTER
DUNCAN
WENTWORTH
BIVINS
OGDEN

On the part of the Senate

HIGHTOWER
ALLEN
FARRAR
CLARK
PLACE

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 203**

Senator Shapiro submitted the following Conference Committee Report:

Austin, Texas
May 5, 1997

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 203** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SHAPIRO
WENTWORTH
RATLIFF
ZAFFIRINI
SIBLEY

On the part of the Senate

STAPLES
HIGHTOWER
ALEXANDER
HUPP
ALLEN

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the provision of health care to an inmate confined in a facility operated by or under contract with the Texas Department of Criminal Justice.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.061 to read as follows:

Sec. 501.061. INMATE COPAYMENTS FOR CERTAIN HEALTH CARE VISITS. (a) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall make a copayment to the department in the amount of \$3. The inmate shall make the copayment out of the inmate's trust fund. If the balance in the fund is insufficient to cover the copayment, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) The department may not charge a copayment for health care:

(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;

(2) initiated by the department;

(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or

(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.

(c) The department shall adopt policies to ensure that before an inmate initiates a visit to a health care provider, the inmate is informed that a \$3 copayment will be deducted from the inmate's trust fund as required by Subsection (a).

(d) The department may not deny an inmate access to health care as a result of the inmate's failure or inability to make a copayment.

(e) The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of administering this section. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

SECTION 2. Section 501.014, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The department shall withdraw money from an inmate's trust fund under Subsection (e) before the department applies a deposit to that fund toward any unpaid balance owed to the department by the inmate under Section 501.061.

SECTION 3. This Act takes effect January 1, 1998.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 900 WITH HOUSE AMENDMENT

Senator Gallegos called **SB 900** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 900** by striking SECTION 9 of the bill, substituting the following, and renumbering sections as appropriate:

SECTION 9. Effective July 1, 1998, Subsection (b), Section 11, Chapter 358, Acts of the 48th Legislature, 1943 (Article 6243g, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The amount of the monthly pension for each Group A member shall equal the member's average monthly salary multiplied by two and one-quarter percent (2-1/4%) for each of the member's first twenty (20) years of credited service and two and three-quarters percent (2-3/4%) for each additional year of credited service the member. ~~[The amount of the monthly pension for each such Group A member shall equal the member's average monthly salary multiplied by two percent (2%) for each of the member's first twenty (20) years of credited service and two and one-half percent (2-1/2%) for each additional year of credited service of such member.]~~ For purposes of this Subsection, such average salary shall be computed by adding together the seventy-eight (78) highest biweekly salaries paid to a member during his period of credited service and dividing the sum by thirty-six (36). Provided, however, that no Group A member's pension shall be more than eighty percent (80%) of such average salary; and no Group A member's pension shall be less than Eight Dollars (\$8) a month for each year of credited service, or One Hundred Dollars (\$100) a month total pension, whichever is the greater amount.

SECTION 10. Subsection (g), Section 11, Chapter 358, Acts of the 48th Legislature, 1943 (Article 6243g, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) Pensions ~~[Effective January 1, 1992, pensions]~~ for all Group A members or their survivors shall be adjusted annually upward by three and one-half percent (3-1/2%), not compounded ~~[or downward in accordance with the percentage change in the Consumer Price Index for All Urban Consumers (CPI) for the preceding year as determined by the United States Department of Labor. The adjusted pension may never be less than the basic pension that the retired member or survivor would otherwise be entitled to receive without regard to changes in the CPI. The adjusted pension may never be greater than the basic pension plus increases of not to exceed four percent (4%) annually, not compounded, notwithstanding a greater increase in the CPI].~~

The amendment was read.

On motion of Senator Gallegos, the Senate concurred in the House amendment to **SB 900** by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1594 ON SECOND READING**

The President laid before the Senate **CSSB 1594** on its second reading. The bill was read second time, an amendment was offered, and further consideration was postponed yesterday to a time certain of 9:00 a.m. today.

CSSB 1594, Relating to the enforcement and collection of child support; providing a penalty.

Question—Shall Floor Amendment No. 1 to **CSSB 1594** be adopted?

On motion of Senator Haywood and by unanimous consent, Floor Amendment No. 1 was withdrawn.

CSSB 1594 was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1594 ON THIRD READING**

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1594** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1594 was read third time and was passed by a viva voce vote.

HOUSE BILL 2692 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2692, Relating to the method of bidding for certain contracts related to community development programs.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2692**, by striking SECTION 1 of the bill (committee report, page 1, lines 12-19) and substituting the following:

SECTION 1. Section 252.021, Local Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) A municipality may use the competitive sealed proposal procedure ~~[only]~~ for high technology procurements or, in a municipality with a population in excess of 100,000, the purchase of insurance.

(d) A municipality may use the competitive sealed proposal procedure for a contract that requires an expenditure of more than \$15,000 from municipal funds that are derived from an appropriation, loan, or grant received by the municipality from the federal or state government for conducting a community development program established under Chapter 373.

The amendment was read and was adopted by a viva voce vote.

HB 2692 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2692 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2692** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2692 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Madla in Chair)

HOUSE BILL 588 ON SECOND READING

Senator Barrientos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

HB 588, Relating to uniform admission and reporting procedures for institutions of higher education.

There was objection.

Senator Barrientos then moved to suspend the regular order of business and take up **HB 588** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Cain, Ellis, Fraser, Gallegos, Galloway, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Harris, Nelson, Shapiro, Wentworth.

Absent: Brown, Duncan.

HB 588 was read second time and passed to third reading by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Carona, Harris, Nelson, Shapiro.

HOUSE BILL 588 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 588** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Galloway, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Carona, Harris, Nelson, Shapiro.

HB 588 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Carona, Harris, Nelson, and Shapiro asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1312 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1312, Relating to modification of an order for outpatient mental health services and the temporary detention of a patient pending hearing on the modification.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1312 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1312** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1312 was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 8, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES: LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

HB 17, Relating to posting signs along roadsides to promote traffic safety.

HB 247, Relating to retirement benefits earned by a spouse after dissolution of a marriage.

HB 479, Relating to the exemption from ad valorem taxation of marine cargo containers used exclusively in international commerce.

HB 574, Relating to the fiscal administration of the San Patricio County Navigation District No. 1.

HB 607, Relating to the creation of a durable medical equipment and assistive technology listing.

HB 623, Relating to certification of public school educators.

HB 685, Relating to issuance of special license plates for a vehicle used to transport a person with a disability.

HB 770, Relating to the acquisition by the Parks and Wildlife Department of real property owned by the permanent school fund.

HB 819, Relating to reducing the recidivism rate for individuals under the supervision of the Texas Department of Criminal Justice.

HB 836, Relating to optional extended year programs conducted by certain public school districts.

HB 853, Relating to the prosecution of an offense related to the failure to maintain financial responsibility for a motor vehicle.

HB 863, Relating to findings of fact and conclusions of law by a court in a suit for dissolution of marriage.

HB 1338, Relating to the purchase of directors' and officers' liability insurance by state agencies.

HB 1627, Relating to a notice requirement for political advertising signs.

HB 1716, Relating to the membership and duties of the statewide health coordinating council.

HB 1734, Relating to the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

HB 1779, Relating to the Real Estate Research Center.

HB 1812, Relating to the Texas State Library and Archives Commission and the preservation, management, and disposition of state records and other historical resources.

HB 1865, Relating to payment of accelerated life insurance benefits.

HB 1941, Relating to the automatic revocation of hunting and fishing licenses held by and denial of issuance of hunting and fishing licenses to persons convicted of poaching.

HB 1990, Relating to advocates for survivors of sexual assault and to confidential communications; providing a criminal penalty.

HB 2017, Relating to telemedicine services provided under the Medicaid and Medicare programs.

HB 2078, Relating to the disposition of a person's remains.

HB 2088, Relating to the regulation of certain midwives; providing administrative penalties.

HB 2094, Relating to authorizing the Sweeny Hospital District to operate or provide for certain medical care and medical services to or for needy residents of the district.

HB 2099, Relating to student loan reimbursements for physician assistants practicing in certain areas.

HB 2101, Relating to stopping at railroad grade crossings; providing penalties.

HB 2153, Relating to the priority given to certain victim compensation funds by the Texas Youth Commission when apportioning wages earned by certain children.

HB 2183, Relating to creation of the County Court at Law Number 4 of Travis County.

HB 2189, Relating to certain reports and accounts submitted by guardians or personal representatives of estates.

HB 2222, Relating to the bond and oath requirements applicable to a sheriff.

HB 2255, Relating to the licensing of certain dentists and dental hygienists.

HB 2300, Relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility District and to the authorization of bonds and the levy of taxes; providing civil penalties.

HB 2384, Relating to the provision of charity care, indigent health care, and other community benefits by certain nonprofit hospitals.

HB 2386, Relating to Medicaid reimbursement for certain medical consultations.

HB 2503, Relating to certain solicitations made in relation to insured fire losses; providing a penalty.

HB 2556, Relating to eligibility for state assistance under the Indigent Health Care and Treatment Act for certain hospitals.

HB 2587, Relating to the collection of delinquent property taxes and the foreclosure of tax liens.

HB 2622, Relating to liability for postjudgment taxes, penalties, and interest in a suit to collect a delinquent ad valorem tax.

HB 2681, Relating to the issuance of specially designed Texas license plates for Keep Texas Beautiful.

HB 2845, Relating to the authority of a justice of the peace to reopen an inquest.

HB 2850, Relating to the exclusion from emergency service districts and rural fire prevention districts of certain territory subject to ad valorem assessments.

HB 2873, Relating to the policy forms for certain large risk insurance policies.

HB 2932, Relating to the rights of recovery of Medicaid providers.

HB 3021, Relating to the method of providing notice to vacate the premises in connection with an eviction action.

HB 3037, Relating to cost of service studies for electric cooperative corporations exempt from rate regulation.

HB 3052, Relating to the liability of certain marine fire-fighting entities.

HB 3063, Relating to the registration of certain golf carts.

HB 3246, Relating to designation of Spur 239 in Val Verde County.

HB 3250, Relating to dog and cat sterilization and the issuance of Animal Friendly license plates.

HB 3305, Relating to the appraisal and ad valorem taxation of certain personal property.

HB 3306, Relating to penalties and interest, writs, suits, judgment amounts, right of redemption, and distribution of proceeds in ad valorem tax matters.

HB 3314, Relating to the conversion of Polk County Fresh Water Supply District No. 2 into a municipal utility district and confirming the boundaries and directors of the district.

HB 3319, Relating to the dissolution of certain development districts.

HB 3330, Relating to ownership of a drainage outfall ditch in Harris County.

HB 3337, Relating to application of the Capitol view corridors to the construction, redevelopment, and improvement of East 11th Street pursuant to the East 11th and 12th Streets Redevelopment Program.

HB 3345, Relating to the investigation of a report of child abuse or neglect during the pendency of a suit affecting the parent-child relationship.

HB 3437, Relating to the cancellation or suspension of an alcoholic beverage private club registration permit.

HB 3441, Relating to the offense of purchase or possession of alcohol by a minor.

HB 3448, Relating to the authorization of a closed meeting by the commissioners court of a county to deliberate certain personnel actions affecting a member of an advisory body.

HB 3465, Relating to the disposition of certain state property designated for military use.

HB 3540, Relating to the election of commissioners of the Port of Beaumont Navigation District of Jefferson County.

HB 3542, Relating to the creation of municipal courts of record for the City of Rowlett.

HB 3543, Relating to the use of certain titles by motor vehicle lessors and lease facilitators.

HB 3549, Relating to the creation, administration, powers, duties, functions, operations, and financing of the South Newton Special Utility District.

HB 3566, Relating to the Gonzales County Hospital District.

HB 3570, Relating to the length limitation for a vehicle or vehicle combination transporting a combine.

HB 3572, Relating to the powers of and the application of the professional prosecutors act to the county attorney for Colorado County.

HB 3588, Relating to criminal law magistrates in Tarrant County.

HCR 14, Designating the city of Waxahachie the Crape Myrtle Capital of Texas.

HCR 23, Designating the guitar as the official State Musical Instrument of Texas.

HCR 116, Designating the Chappell Hill Bluebonnet Festival as the official Bluebonnet Festival of Texas.

HCR 150, Designating Clifton the Norwegian Capital of Texas.

HCR 168, Urging Congress to oversee the audit of teaching hospitals.

HCR 202, Memorializing congress to allocate funds for road expansion in Texas to the Waste Isolation Pilot Plant project in New Mexico.

HCR 206, Designating Odessa as the Jackrabbit Capital of Texas.

HCR 211, Memorializing congress to pass legislation to increase volume caps and index them to inflation.

SB 63, Relating to the recommendations of certain local officials regarding the issuance of permits by the Texas Alcoholic Beverage Commission.

SB 145, Relating to the acceptance of gifts by state agencies.
(Committee Substitute)

SB 191, Relating to the recommendations of certain local officials regarding the issuance of licenses to sell beer at retail.

SB 330, Relating to the sunset review of the State Office of Administrative Hearings.

SB 452, Relating to the eligibility requirements for the chief administrative law judge of the State Office of Administrative Hearings.

SB 515, Relating to cash reserves in regional library systems.

SB 611, Relating to criminal law magistrates in Dallas County.

SB 754, Relating to the statute of limitations applying to a lien on real property.

SB 911, Relating to the protection or release of a trustee from liability under certain circumstances.
(Amended)

SB 927, Relating to the authority of the Texas Department of Transportation to acquire certain real property.

SB 952, Relating to anatomical gifts and donor cards.

SB 1012, Relating to the creation of the office of criminal district attorney of Madison County, to the abolition of the office of county attorney of Madison County, and to the abolition of the jurisdiction of the district attorney for the 12th Judicial District in Madison County.

SB 1044, Relating to the change of the name of Texas A&I University to Texas A&M University—Kingsville.

SB 1113, Relating to a state tax refund and federal income tax credit available to certain employers of AFDC recipients.

SB 1125, Relating to the conveyance of certain state-owned real property in Bexar County to the National Park Service.

SB 1131, Relating to the regulation of the practice of cosmetology; providing an administrative penalty.
(Committee Substitute/Amended)

SB 1174, Relating to the terms of court of the 90th Judicial District.

SB 1422, Relating to the procedures governing the funding formulas established by the Texas Higher Education Coordinating Board.

SB 1465, Relating to the handling, testing, and compensation for the destruction of certain animals; providing a penalty.
(Committee Substitute)

SB 1826, Relating to the regulation of private postsecondary educational institutions and educational or training establishments; providing administrative and civil penalties.

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 697, Relating to contracting by court reporters.

HB 3585, Relating to authorizing the General Services Commission to convey certain state-owned property to the City of Austin.

SB 126, Relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production.

SB 228, Relating to the creation of the offense of trademark counterfeiting.
(Committee Substitute)

SB 367, Relating to the continuation and functions of the Commission on Jail Standards.
(Committee Substitute)

SB 372, Relating to certain regulatory functions of the Department of Agriculture.

SB 526, Relating to the making of a change to an accident report.

SB 606, Relating to the establishment and operation of a regional academic health center by The University of Texas System.
(Amended)

SB 614, Relating to assignment of Medicaid payments.

SB 652, Relating to the definitions of a certain account and an instrument for purposes of a secured transaction and to the perfection of a security interest in an instrument.

SB 715, Relating to apportionment of the state into state senate districts.

SB 728, Relating to the management, control, disposition, and status of certain state land, including land owned or used for the site of the superconducting super collider research facility.
(Committee Substitute)

SB 788, Relating to the duty of certain hospitals to provide community benefits and charity care.
(Committee Substitute)

SB 887, Relating to the transfer of certain property to a custodian under the Uniform Transfers to Minors Act.

SB 908, Relating to the licensing and inspection of certain hospitals.

SB 1243, Relating to the regulation of perfusionists.
(Committee Substitute)

SB 1490, Relating to the administration of federal and state-funded child-care programs and to training for local workforce development boards.

SB 1782, Relating to the disposal of dead animal carcasses found on municipal and county roadways.

SB 1904, Relating to responsibility for state aircraft used for flight training programs by public postsecondary educational institutions.
(Amended)

SCR 36, Endorsing the Texas Department on Aging's initiative to prepare for an aging society.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

HOUSE BILL 2073 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2073, Relating to the continuation and functions of the Texas Juvenile Probation Commission.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2073** as follows:

(1) In SECTION 1 of the bill, in the introductory language of the section, strike "Section 141.011(c)" (Senate Committee Report, page 1, line 11) and substitute "Sections 141.011(a) and (c)".

(2) In SECTION 1 of the bill, in the introductory language of the section, after "Code," strike "is" (Senate Committee Report, page 1, line 11) and substitute "are".

(3) In SECTION 1 of the bill, before amended Subsection (c) (Senate Committee Report, page 1, between lines 12 and 13), insert the following:

(a) The commission consists of:

(1) two district court judges;

(2) two ~~[one]~~ county judges ~~[judge]~~ or commissioners ~~[commissioner]~~; and

(3) five ~~[six]~~ members of the public who are not employees in the criminal or juvenile justice system.

(4) Insert the following appropriately numbered section to the bill and renumber the subsequent sections of the bill accordingly:

SECTION ____ . The change in law made by this Act to Section 141.011(a), Human Resources Code, does not affect the entitlement of a member serving on the commission immediately before the effective date of this Act to continue to carry out the functions of the commission for the remainder of the member's term. The change in law made by this Act to that section applies only to a member appointed on or after the effective date of this Act. This Act does not prohibit a person who is a member of the commission on the effective date of this Act from being reappointed to the commission if the person has the qualifications required for a member under Chapter 141, Human Resources Code, as amended by this Act.

The amendment was read and was adopted by a viva voce vote.

HB 2073 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 2073 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2073** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2073 was read third time and was passed by a viva voce vote.

HOUSE BILL 311 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 311, Relating to the prosecution of certain offenses involving firearms, illegal knives, clubs, or prohibited weapons.

The bill was read second time.

Senator Patterson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 311** in Section 4 of the House Engrossment, page 4, line 26, by striking "or as a guard employed by a penal institution;" and replacing it with "or as an employee of a penal institution who is performing a security function;"

The committee amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator West asked to be recorded as voting "Nay" on the adoption of Committee Amendment No. 1.

Senator Patterson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 311**, on page 4, line 16 by inserting a new Section 4, and renumbering subsequent sections of the bill as follows:

SECTION 4. Section 46.03, Penal Code, is amended by adding a new subsection (i) as follows:

(i) It is a defense to prosecution under Subsection (a)(1)-(4) that at the time of the commission of the offense:

(1) the actor possessed a concealed handgun of the same category the actor was licensed to carry under Article 4413(29ee), Revised Statutes;

(2) the handgun was in a secure position in a motor vehicle in which the actor was the driver or a passenger; and

(3) the vehicle was in a driveway, road, parking area, or other part of the premises that reasonably appeared to be a place intended for use as a driveway, road, or parking area.

The committee amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator West asked to be recorded as voting "Nay" on the adoption of Committee Amendment No. 2.

HB 311 as amended was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Moncrief and West asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 311 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 311** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, Whitmire, Zaffirini.

Nays: Moncrief, West.

HB 311 was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 758 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 758, Relating to the sales and use tax rate of certain hospital districts.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 758 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 758** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 758 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Brown in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1571 ON THIRD READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

CSSB 1571, Relating to ratemaking proceedings for certain utilities.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Cain and Duncan asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1836 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1836, Relating to the interval between internal inspections of certain boilers.

The bill was read second time.

Senator Carona offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1836**, by adding a new SECTION 1 to read as follows and renumbering all succeeding sections accordingly:

SECTION 1. Section 755.025, Health and Safety Code, is amended by adding a new subsection (f) to read as follows and relettering all succeeding subsections accordingly:

(f) The certificate inspection of all gas fired boilers shall include inspection of the gas regulator and/or pressure reducing valve servicing the boiler to verify proper venting to a safe point of discharge.

The committee amendment was read and was adopted by a viva voce vote.

HB 1836 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1836 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1836** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1836 was read third time and was passed by a viva voce vote.

HOUSE BILL 197 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 197, Relating to a late application by certain charitable and religious organizations for an exemption from ad valorem taxation.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 197 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 197 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1902 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1902, Relating to administrative procedures for certain orders and decisions of the Texas Department of Insurance.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1902 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1902** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1902 was read third time and was passed by a viva voce vote.

HOUSE BILL 1879 ON SECOND READING

On motion of Senator Lindsay and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1879, Relating to the rendition of property for ad valorem taxation.

The bill was read second time.

Senator Lindsay offered the following committee amendment to the bill:

Committee Amendment No. 1

HB 1879 is amended as follows: In Section 1 of the bill, Section 22.24, Tax Code, insert the following at the end of Subsection (e):

"This subsection does not apply to a rendition or report filed by the property owner, an employee of the property owner, or an employee of a property owner on behalf of an affiliated entity of the property owner."

The committee amendment was read and was adopted by a viva voce vote.

HB 1879 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1879 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1879** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1879 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 629 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 629, Relating to the records of an overturned disciplinary action or a charge of misconduct against fire fighters and police officers in certain municipalities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 629 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 629** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 629 was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 8, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 566 (Viva-voce vote)

HB 708 (Viva-voce vote)

HB 1404 (138 Ayes 0 Nays 2 Present-not voting)

HB 2185 (Viva-voce vote)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Judge Raul Vasquez, Judge Jesus Garza, and Judge Manuel Flores, of Webb County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate a delegation from Leadership Mainland of Texas City and La Marque.

The Senate welcomed its guests.

HOUSE BILL 1710 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1710, Relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1710** as follows:

SECTION 1. Section 53.001(a), Government Code, amend as follows: on page 1, line 11, after the word "bailiff.", substitute the next sentence as follows:

"The judge of each district court in Tarrant County that gives preference to criminal cases shall may appoint two persons to serve as bailiffs and one person to serve as grand jury bailiff. The Board of District Judges that give preference to criminal cases may appoint one bailiff for each grand jury."

SECTION 2. Section 53.003(b), Government Code, add: after the last sentence ends on page 2, line 8:

"The bailiff salary shall be administered under the salary administration guidelines and within the same pay grade as certified peace officers and non-certified peace officers who are appointed as bailiffs by the Sheriff."

SECTION 7. Section 53.009(f), Government Code, add: after the last sentence ends on page 4, line 12:

"The bailiff salary shall be administered under the salary administration guidelines and within the same pay grade as certified peace officers and non-certified peace officers who are appointed as bailiffs by the Sheriff."

The amendment was read and was adopted by a viva voce vote.

HB 1710 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1710 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1710** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1710 was read third time and was passed by a viva voce vote.

HOUSE BILL 1747 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1747, Relating to procedures to deal with an individual who is in the criminal justice system and who has a mental illness or is a person with mental retardation.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1747** as follows:

Strike page 2, line 7, and insert in lieu thereof:

"unless good cause is shown otherwise or if the:"

The amendment was read and was adopted by a viva voce vote.

HB 1747 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1747 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1747** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1747 was read third time and was passed by a viva voce vote.

HOUSE BILL 581 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 581, Relating to the correction of an ad valorem tax appraisal roll.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 581 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 581** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 581 was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1410 ON SECOND READING

Senator Ellis asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

HB 1410, Relating to authorizing economic development corporations to provide affordable housing.

There was objection.

Senator Ellis then moved to suspend the regular order of business and take up **HB 1410** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Duncan, Fraser, Galloway, Lindsay, Nelson, Ogden.

HB 1410 was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1410** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 4B(a)(2), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Project" means land, buildings, equipment, facilities, and improvements included in the definition of that term under Section 2 of this Act, including recycling facilities, and land, buildings, equipment, facilities, and improvements found by the board of directors to:

(A) be required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, learning centers, parks and park facilities, open space improvements, municipal buildings, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of those items; [or]

(B) promote or develop new or expanded business enterprises, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements, as well as any improvements or facilities that are related to any of those projects and any other project that the board in its discretion determines promotes or develops new or expanded business enterprises; or

(C) be required or suitable for the promotion of development and expansion of affordable housing, as defined by 42 U.S.C. Section 12745.

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1410** by adding the following SECTION appropriately numbered, and renumbering subsequent SECTIONS accordingly.

SECTION __. The Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes) is amended by adding Section 4C to read as follows:

Sec. 4C. (a) Not later than February 1 of each year, the board of directors of a corporation created under Section 4A or 4B of this Act shall submit to the comptroller a report in the form required by the comptroller.

(b) The reporting form shall not exceed one page in length and must include:

(1) a statement of the corporation's primary economic development objectives;

(2) a statement of the corporation's total revenues during the preceding fiscal year;

(3) a statement of the corporation's total expenditures during the preceding fiscal year;

(4) a statement of the corporation's total expenditures during the preceding fiscal year in each of the following categories:

(A) administration;

(B) personnel;

(C) marketing or promotion;

(D) direct business incentives;

(E) debt service;

(F) capital costs;

(G) affordable housing; and

(H) payments to taxing units, including school districts;

(5) a list of the corporation's capital assets, including land and buildings; and

(6) any other information the comptroller requires to determine the use of the sales and use tax imposed under Section 4A or 4B of this Act to encourage economic development in this state.

(c) If a corporation fails to file a report in accordance with this section or fails to include sufficient information in the report, the comptroller shall provide to the corporation written notice of this failure. The written notice must include information on how to correct the failure.

(d) The comptroller may impose an administrative penalty of \$200 against a corporation that does not correct the failure before the 31st day after the date the corporation receives the written notice under Subsection (c) of this section.

(e) The comptroller by rule shall prescribe the procedures for the imposition of an administrative penalty under this section. The rules must protect the due process rights of a corporation.

(f) Not later than November 1 of each even-numbered year, the comptroller shall submit to the legislature a report on the use of the sales and use tax imposed under Sections 4A and 4B of this Act to encourage economic development in this state.

(g) On request, the comptroller shall provide without charge a copy of the report required by Subsection (f) of this section to a corporation organized under Section 4A or 4B of this Act.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, further consideration of **HB 1410** was postponed to a time certain of 11:15 a.m. today.

Question—Shall **HB 1410** as amended be passed to third reading?

LEAVE OF ABSENCE

On motion of Senator Barrientos, Senator Luna was granted leave of absence for the remainder of today on account of important business.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate a group of high school students from the Hispanic chambers of commerce's Step Up To Success Program.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Madla was recognized and introduced to the Senate the Iraan High School Braves, 1996 Class 2A University Interscholastic League Football Champions.

Senator Madla also introduced to the Senate Kenny and Glenda McMullan of Iraan, the parents of Shawn McMullan, and his sister Mecca Jo.

The Senate welcomed its guests.

HOUSE BILL 717 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 717, Relating to the disposal or temporary storage of litter or solid waste.

The bill was read second time.

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 717** as follows:

(1) On page 1, between lines 4 and 5, insert:

SECTION 1. Section 365.011(1), Health and Safety Code, is amended to read as follows:

(1) "Approved solid waste site" means:

(A) a solid waste site permitted or registered by the Texas Natural Resource Conservation Commission;

(B) a solid waste site licensed by a county under Chapter 361; or

(C) a designated collection area for ultimate disposal at a permitted or licensed municipal solid waste site.

(2) On page 1, line 5, strike "1" and substitute "2".

(3) On page 1, line 15, strike "2" and substitute "3".

The committee amendment was read and was adopted by a viva voce vote.

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 717** as follows:

Strike lines 7-15 and insert in their place the following language:

(j) This section does not apply to the temporary storage for future disposal of litter or other solid waste on land owned by that person, or by that person's agent. The Commission shall promulgate regulations defining temporary storage.

(k) This section does not apply to an individual's disposal of litter or other solid waste if:

- (1) the litter or waste is generated on land the individual owns;
- (2) the disposal occurs on land the individual owns; and
- (3) the disposal is not for or resulting from a commercial purpose.

Reletter all subsequent sections.

The committee amendment was read.

Senator Whitmire offered the following amendment to Committee Amendment No. 2:

Floor Amendment No. 1

Amend Committee Amendment No. 2 to **HB 717** by striking the text of the amendment and substituting:

Amend **HB 717** by striking Section 1 of the bill and substituting:

SECTION 1. Section 365.012, Health and Safety Code, is amended by amending Subsection (j), adding a new Subsection (k), and relettering existing Subsection (k) as Subsection (l) to read as follows:

(j) This section does not apply to the ~~[disposal of, or]~~ temporary storage for future disposal of ~~[;]~~ litter or other solid waste by a person on land owned by that person, or by that person's agent. The commission by rule shall regulate temporary storage for future disposal of litter or other solid waste by a person on land owned by the person or the person's agent.

(k) This section does not apply to an individual's disposal of litter or other solid waste if:

- (1) the litter or waste is generated on land the individual owns;
- (2) the litter or waste is not generated as a result of an activity related to a commercial purpose;
- (3) the disposal occurs on land the individual owns; and
- (4) the disposal is not for a commercial purpose.

(l) ~~(k)~~ A municipality or county may offer a reward of \$50 for reporting a violation of this section that results in a prosecution under this section.

The amendment to Committee Amendment No. 2 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Committee Amendment No. 2 as amended, the committee amendment as amended was adopted by a viva voce vote.

HB 717 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 717 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Fraser.

Absent-excused: Luna.

HB 717 was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 515 ON SECOND READING**

Senator Sibley asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSHB 515, Relating to the waiver of a trial by jury.

There was objection.

Senator Sibley then moved to suspend the regular order of business and take up **CSHB 515** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Shapleigh, Truan, West, Whitmire.

Absent: Duncan.

Absent-excused: Luna.

CSHB 515 was read second time and was passed to third reading by the following vote: Yeas 23, Nays 6.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Shapleigh, Truan, West.

Absent: Whitmire.

Absent-excused: Luna.

**COMMITTEE SUBSTITUTE
HOUSE BILL 515 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 515** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Zaffirini.

Nays: Barrientos, Gallegos, Shapleigh, Truan, West, Whitmire.

Absent-excused: Luna.

CSHB 515 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Ellis, Gallegos, Shapleigh, Truan, West, and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a delegation from the Texas chapter of the International and American Associations of Clinical Nutritionists.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Gallegos was again recognized and introduced to the Senate a group of fifth-grade students from Golfcrest Elementary School of Houston and their teacher Ann Column.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 6, HB 8, HB 566, HB 614, HB 794, HB 1404, HB 1474, HB 1741, HB 1955, HB 2185, HCR 29, HCR 39, HCR 90, HCR 94, HCR 221, HCR 234, HJR 8, HJR 59

COMMITTEE SUBSTITUTE HOUSE BILL 1235 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 1235, Relating to authorizing the issuance of revenue bonds for certain public institutions of higher education.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1235 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1235** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

CSHB 1235 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 722 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 722, Relating to the refusal of registration of motor vehicles by a county assessor-collector or the Texas Department of Transportation under certain conditions.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 722** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 682.010, Transportation Code, is amended to read as follows:

Sec. 682.010. **ENFORCEMENT.** (a) An order filed under Section 682.009 may be enforced by:

(1) impounding the vehicle if the offender has committed three or more vehicle parking or stopping offenses in a calendar year;

(2) placing a device on the vehicle that prohibits movement of the motor vehicle;

(3) imposing an additional fine if the original fine is not paid within a specified time; or

(4) denying issuance of a parking permit.

(b) An eligible municipality with a population of 450,000 or less may enter a contract with a county assessor-collector or the Texas Department of Transportation under this chapter whereby the assessor-collector or department may refuse to register a motor vehicle if the assessor-collector or the department receives under a contract information from a municipality under this subsection that the owner of the vehicle has three or more unpaid parking tickets.

(c) A municipality described by Subsection (b) and to which Subsection (b) applies may contract with a county in which the municipality is located or with the Texas Department of Transportation to provide to the

county or the department information necessary to make a determination under Subsection (b).

(d) A municipality described by Subsection (b) that has a contract under Subsection (c) shall notify the county or the Texas Department of Transportation regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on dismissal of or the payment of parking citations on the basis of which registration had been refused.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

CSSB 722 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 722 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 722 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

CSSB 722 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, May 8, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 16, In memory of Robert P. Sturges.

HCR 40, Congratulating the Iraan High School Braves on winning the 1996 Class 2A State Football Championship.

HCR 195, In memory of Frederick W. "Rick" Volker, Jr.

SB 365, Relating to the continuation and functions of the Department of Information Resources.
(Amended)

SB 386, Relating to review of and liability for certain health care treatment decisions.
(Committee Substitute/Amended)

SB 898, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 74th Legislature to other Acts of that legislature.

SB 1751, Relating to the adoption of a nonsubstantive revision of statutes relating to utilities, including conforming amendments, repeals, and penalties.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 711 (143 Yeas 0 Nays 1 Present-not voting)

HB 1386 (Viva-voce vote)

HB 1929 (Viva-voce vote)

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1185 (145 Yeas 0 Nays)

SB 203 (Viva-voce vote)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE BILL 1935 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1935, Relating to certain municipal hotel occupancy taxes.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Ogden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1935 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1935** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Ogden.

Absent-excused: Luna.

SB 1935 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Ogden asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1873 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1873, Relating to public school finance, including the abolition of the foundation school fund budget committee.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1873** as follows:

Add new SECTION and renumber subsequent SECTIONS appropriately, as follows:

SECTION ____ Sec. 403.302(d)(3), Government Code, is amended to read as follows:

"the total dollar amount of any captured appraised value of property that is located in a reinvestment zone on August 31, 1997, generates a tax increment paid into a tax increment fund, and is eligible for tax increment financing under Chapter 311, Tax Code under a project plan or reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1997".

The amendment was read and was adopted by a viva voce vote.

SB 1873 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1873 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1873** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

SB 1873 was read third time and was passed by a viva voce vote.

HOUSE BILL 1532 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1532, Relating to refusing to register a vehicle for a person who owes a fine, fee, or tax to certain counties.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1532 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1532** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1532 was read third time and was passed by a viva voce vote.

HOUSE BILL 1149 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1149, Relating to formation of certain professional associations.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1149 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1149 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate a group of seventh-grade students from Celeste.

The Senate welcomed its guests.

MOTION TO PLACE

HOUSE BILL 1860 ON SECOND READING

Senator Haywood moved to suspend the regular order of business to take up for consideration at this time:

HB 1860, Relating to the disposition of the body of a deceased pauper.

On motion of Senator Haywood and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a group of sixth-, seventh-, and eighth-grade students from the Holland Vanguard Program for the gifted and talented, accompanied by teachers Leon Garcia and Mr. De Bose and Director of the Vanguard Program Linda Watkins.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 3, Relating to establishing the Texas Healthy Kids Corporation and other health benefit coverage to increase access to health care for children.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

(1) Amend **CSHB 3**, Subchapter B, Section 109.038 (beginning on page 3, line 47, senate committee report) by adding the following language to that section:

(____) "Cooperation requirements in this section apply only in a period in which:

(1) the corporation receives state money under a direct state appropriation; or

(2) a person appointed by the governor, other than an ex-officio member of the board, is serving as a member of the board."

(2) Renumber the subsections appropriately.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 3** on page 5, line 53 by striking subsection (d) and replacing it with a new subsection (d) as follows:

(d) The participation criteria for authorized insurers, health service organization, health maintenance organization, and other entities that provide coverage under the health benefit program shall not allow an eligible coverage provider to establish a school based clinic for the provision of covered treatment services, except for routine health screening and preventive measures including, but not limited to, immunizations, inoculations, or hearing and vision testing.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 3** on page 7, line 61, of the committee report by inserting the following: after (b) and before "In" insert "Except as provided for in (b)(6) below."

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 4

Amend CSHB 3 on page 8, line 25, of the committee report by inserting a new subsection (b)(6):

(6) Notwithstanding (b)(1) through (3) above, an obligor whose employer, union, trade association or other organization does not offer a child/children coverage option in lieu of a spouse/child/children option of health insurance coverage may elect to apply for coverage through the Texas Healthy Kids Corporation. An obligor required to pay additional child support to an obligee for health insurance coverage may elect to apply for coverage through the Texas Healthy Kids Corporation if the obligee's employer, union, trade association, or other organization does not offer a child/children coverage option in lieu of a spouse/child/children option of health insurance coverage may elect to apply for coverage through the Texas Healthy Kids Corporation.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 5

Amend CSHB 3 on page 11, line 2 of the committee report by adding a new subsection (c) as follows:

(c) A health benefit plan offered under this chapter may not provide coverage for family planning services or provide coverage for elective abortion.

The amendment was read.

Senator Moncrief moved to table Floor Amendment No. 5.

The motion to table was lost by the following vote: Yeas 10, Nays 20.

Yeas: Barrientos, Cain, Ellis, Gallegos, Madla, Moncrief, Shapleigh, Truan, West, Whitmire.

Nays: Armbrister, Bivins, Brown, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Wentworth, Zaffirini.

Absent-excused: Luna.

Question recurring on the adoption of Floor Amendment No. 5, the amendment was adopted by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Cain, Ellis, Gallegos, Madla, Moncrief, Shapleigh, Truan, West, and Whitmire asked to be recorded as voting "Nay" on the adoption on Floor Amendment No. 5.

CSHB 3 as amended was passed to third reading by a viva voce vote.

VOTES RECONSIDERED

On motion of Senator Patterson and by unanimous consent, the vote by which **CSHB 3** was passed to third reading was reconsidered.

Question—Shall the bill be passed to third reading?

On motion of Senator Patterson and by unanimous consent, the vote by which Floor Amendment No. 5 was adopted was reconsidered.

Question—Shall Floor Amendment No. 5 be adopted?

On motion of Senator Patterson and by unanimous consent, Floor Amendment No. 5 was withdrawn.

CSHB 3 as amended was again passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Galloway, Lindsay, Lucio, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Harris, Haywood, Nelson, Ogden, Shapiro.

Absent-excused: Luna.

CSHB 3 was read third time and was passed by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

HOUSE BILL 1410 ON SECOND READING

The Presiding Officer, Senator Brown in Chair, laid before the Senate **HB 1410** on its second reading. The bill was read second time, amended, and further consideration was postponed to a time certain of 11:15 a.m. today.

HB 1410, Relating to authorizing economic development corporations to provide affordable housing.

Question—Shall **HB 1410** as amended be passed to third reading?

On motion of Senator Ellis and by unanimous consent, further consideration of **HB 1410** was again postponed to a time certain of 9:00 a.m. tomorrow.

Question—Shall **HB 1410** as amended be passed to third reading?

PERMISSION TO INTRODUCE BILL

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bill: **SB 1951**

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider **SB 679** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Sibley, on behalf of Senator Brown, and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider the following bills today:

SB 1944, HB 2945, HB 3061, HB 2541

PERMISSION TO MEET GRANTED

On motion of Senator Harris and by unanimous consent, Senate committees were granted permission to meet during the Local and Uncontested Calendar Session.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 12:51 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 9:00 a.m. tomorrow.

AT EASE

The Presiding Officer, Senator Brown in Chair, at 12:51 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Harris at 12:55 p.m. called the Senate to order as In Legislative Session.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 16 (Bivins) Relating to authority of the comptroller to enter certain agreements with credit card issuers benefitting state parks. (30-0) (30-0)

HB 35 (Cain) Relating to a voluntary code of fair campaign practices. (30-0) (30-0)

HB 101 (Armbrister) Relating to the adoption of the Emergency Management Assistance Compact. (30-0) (30-0)

HB 255 (Haywood) Relating to permitting certain law enforcement authorities and probation officers to receive reduced airline fares while engaged in certain official duties. (30-0) (30-0)

Senator Haywood offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 255** as follows:

In SECTION 2 of the bill (Section 2171.055, Government Code), on page 1, line 12, strike "an adult or".

The committee amendment was read and was adopted by a viva voce vote.

HB 320 (Ogden) Relating to the ability of municipalities to provide water or wastewater service to a residence to preserve the quality of an aquifer the municipality uses as a water source. (30-0) (30-0)

HB 327 (Whitmire) Relating to creation of an offense for parking a commercial motor vehicle overnight in certain residential subdivisions. (30-0) (30-0)

HB 384 (Moncrief on behalf of Harris) Relating to the disclosure in a contract for the transfer of vacant land of certain information, including information concerning the imposition of additional taxes on the land. (30-0) (30-0)

HB 449 (Patterson) Relating to the control of and disabling of gambling devices, equipment, or paraphernalia while an ocean-going vessel is in the territorial waters of this state. (30-0) (30-0)

HB 485 (Nelson) Relating to requiring that an out-of-state inmate housed in a correctional facility in this state be returned to the sending state before the inmate's release from imprisonment. (30-0) (30-0)

HB 501 (Lindsay) Relating to the law applicable to interlocal contracts made by local governments. (30-0) (30-0)

HB 641 (Shapleigh) Relating to the maximum value of a raffle prize. (30-0) (30-0)

HB 646 (Moncrief on behalf of Harris) Relating to jury submissions in a suit affecting the parent-child relationship. (30-0) (30-0)

HB 736 (Moncrief) Relating to the creation of municipal courts of record in Lake Worth. (30-0) (30-0)

HB 791 (Ellis) Relating to the authority of the Office of Court Administration to request, accept, and administer gifts, grants, and donations. (30-0) (30-0)

HB 833 (Brown) Relating to the exemption of state-owned real property from forced sale. (30-0) (30-0)

HB 922 (Duncan) Relating to the board of directors of the Life, Accident, Health, and Hospital Service Insurance Guaranty Association. (30-0) (30-0)

HB 1025 (Patterson) Relating to certain fees charged by vehicle storage facilities. (30-0) (30-0)

HB 1050 (Moncrief) Relating to conditions of parole or mandatory supervision for an inmate released after serving a sentence for the offense of stalking. (30-0) (30-0)

HB 1077 (Armbrister) Relating to the powers and duties of and the continuation of the Texas Public Finance Authority. (30-0) (30-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1077** in Section 2 of the bill by striking the proposed Section 5B, Texas Public Finance Authority Act (Article 601d, Vernon's Texas Civil Statutes) (engrossed bill, page 3, lines 1-24), and substituting:

Sec. 5B. BOARD MEMBER TRAINING. (a) To be eligible to take office as a member of the board, a person appointed to the board must complete at least one course of a training program that complies with this section.

(b) The training program must provide information to the person regarding:

- (1) the enabling legislation that created the authority and the board;
- (2) the programs operated by the authority;
- (3) the role and functions of the authority;
- (4) the rules of the authority with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the authority;
- (6) the results of the most recent formal audit of the authority;
- (7) the requirements of the:

(A) open meetings law, Chapter 551, Government Code;

(B) open records law, Chapter 552, Government Code; and

(C) administrative procedure law, Chapter 2001, Government Code;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the authority or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the board.

The committee amendment was read and was adopted by a viva voce vote.

HB 1155 (Brown) Relating to the continuation and functions of the Criminal Justice Policy Council. (30-0) (30-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1155** in SECTION 1 of the bill, in Section 413.010, Government Code, by striking the underlined part of the first sentence of Section 413.010 (page 8, lines 3-8, House Engrossment) and substituting the following:

In setting the priorities for the research projects of the policy council, the executive director of the policy council shall consult the governor, lieutenant governor, speaker of the house of representatives, the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over criminal justice issues, and the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over matters relating to state finance and appropriations from the state treasury.

The committee amendment was read and was adopted by a viva voce vote.

HB 1545 (Haywood) Relating to pleas entered by a minor and the issuance of a summons to compel the appearance of the minor's parent in justice or municipal court. (30-0) (30-0)

HB 1901 (Shapleigh) Relating to certain sanctions imposed by the commissioner of insurance. (30-0) (30-0)

HB 1916 (Moncrief) Relating to county criminal courts in Tarrant County. (30-0) (30-0)

Senator Moncrief offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1916** as follows:

On page 2, lines 3-4, strike:

"The County Criminal Courts Nos. 3, 4, 5, and 6 of Tarrant County also have" and insert in lieu thereof "The County Criminal Court No. 5 of Tarrant County also has".

The committee amendment was read and was adopted by a viva voce vote.

HB 1999 (Bivins) Relating to the disposition by the Railroad Commission of Texas of well-site equipment from a wellbore transferred to the Texas Experimental Research and Recovery Activity. (30-0) (30-0)

HB 2015 (Haywood) Relating to the redesignation of certain articles of the Insurance Code. (30-0) (30-0)

HB 2193 (Cain) Relating to the trust fund requirement for alien surplus lines insurers. (30-0) (30-0)

HB 2373 (Haywood) Relating to notice of changes to the capital stock of an insurance company. (30-0) (30-0)

SB 10 (Cain) Relating to the authority of certain counties to adopt and enforce a fire code. (30-0) (30-0)

CSSB 993 (Cain) Relating to the election of the office of precinct chair of a political party. (30-0) (30-0)

SB 1563 (Wentworth) Relating to the objection to certain assigned judges. (30-0) (30-0)

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1563** as follows:

(1) In SECTION 1, adding Subchapter I to Chapter 75, Government Code, (introduced version, page 1, lines 13 and 14), strike "any statute, rule, or other authority" and substitute "Chapter 74 or Chapter 75, Government Code".

The committee amendment was read and was adopted by a viva voce vote.

CSSB 1930 (Ratliff) Relating to the creation of the Red River Redevelopment Authority; granting the power of eminent domain and the authority to issue bonds; authorizing a tax. (30-0) (30-0)

SB 1936 (Cain) Relating to the composition of the Rockwall County Juvenile Board. (30-0) (30-0)

SCR 13 (Zaffirini) Relating to requirements for public school honors programs. (viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris requested in writing that **HB 1550** be removed from the Local and Uncontested Calendar.

Senator Harris requested in writing that **HB 1826** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

MEMORIAL RESOLUTIONS

SR 685 - by Armbrister: In memory of Kenneth Lee Sawin of Lockhart.

SR 687 - by Madla: In memory of the life of Shawn McMullan of Iraan.

HCR 208 - (Carona): In memory of Dallas Police Department members who have lost their lives in the line of duty. (Amended)

CONGRATULATORY RESOLUTIONS

SR 686 - by Bivins: Congratulating Coach Bob Schneider of West Texas A&M University.

SR 688 - by Zaffirini: Congratulating Claudia Y. Santos of Laredo.

SR 689 - by West: Congratulating Dr. Napoleon B. Lewis, Sr., of Dallas.

SR 690 - by Sibley: Congratulating the James Hardie Building Products company in Cleburne.

SR 691 - by Whitmire: Congratulating Bridget Ann Muras of Houston.

SR 692 - by Whitmire: Congratulating Ana Luisa Escarcega.

SR 693 - by Whitmire: Congratulating Cynthia Azmitia.

SR 694 - by Whitmire: Congratulating Charles Allen Lewis of Houston.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:12 p.m. adjourned, in memory of Shawn McMullan, until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 8, 1997

TAX REFORM AND PUBLIC SCHOOL FINANCE — CSHB 4, CSHJR 4

EDUCATION — HCR 64, HB 3356, HB 2812, HB 1989, HB 1460, HB 722, HB 385

NATURAL RESOURCES — HCR 109, HB 3459, HB 2688, HB 2689, HB 2914, HB 2851, HB 473, HB 2499

CRIMINAL JUSTICE — CSSB 1523

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — HB 1761 (Amended), HB 1805, HB 1556

INTERGOVERNMENTAL RELATIONS — HB 2179, HB 3043, HB 996, HB 2832, HB 1254, HB 3134, HB 1242, HB 2141, HB 1138, HB 2696

ECONOMIC DEVELOPMENT — CSHB 1170

INTERGOVERNMENTAL RELATIONS — HJR 83

THURSDAY, MAY 8, 1997

1703

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
CSHB 1880

ECONOMIC DEVELOPMENT — CSHB 1971

STATE AFFAIRS — SB 25, HB 3252, HB 3443, HB 1135, HB 239,
HB 726, HB 324, HB 1257, HB 1288, HB 808, HB 1428, HB 2220,
HB 1345

SIGNED BY GOVERNOR

May 7, 1997

SB 92, SB 243, SB 388, SB 415, SB 422, SB 553, SCR 28, SCR 63

SENT TO GOVERNOR

May 8, 1997

SB 82, SB 93, SB 123, SB 226, SB 292, SB 327, SB 420, SB 503, SB 626,
SB 635, SB 639, SB 646, SB 699, SB 702, SB 721, SB 804, SB 816, SB 833,
SB 912, SB 1038, SB 1111, SB 1162, SB 1219, SCR 46, SCR 60, SCR 67,
SCR 76

